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Letter dated 18 January 2016 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council a document containing the global survey of the implementation of Security Council resolution 1624 (2005) by Member States.

The global survey was prepared by the Counter-Terrorism Committee Executive Directorate, in accordance with paragraph 6 of Security Council resolution 2129 (2013).

The Committee would appreciate it if the present letter and the annex thereto were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Amr Abdellatif **Aboulatta**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Global survey of the implementation of Security Council resolution 1624 (2005) by Member States

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I. Introduction

1. In its resolution 2129 (2013), the Security Council directed the Counter-Terrorism Committee Executive Directorate to produce, by 31 December 2015, an updated version of its global survey of the implementation of Security Council resolution 1624 (2005). The first survey (S/2012/16) was adopted by the Counter-Terrorism Committee on 30 December 2011 and submitted to the Security Council on 6 January 2012. The present version of the survey takes into account the mandate given to the Executive Directorate in Council resolution 2129 (2013) to "identify emerging issues, trends and developments related to resolutions 1373 (2001) and 1624 (2005), while taking into account the United Nations Global Counter-Terrorism Strategy, as appropriate, at all levels, in consultation with relevant partners, and to advise the Committee on practical ways for Member States to implement resolutions 1373 (2001) and 1624 (2005)".

2. Security Council resolution 1624 (2005) is aimed primarily at the threat posed by incitement to commit a terrorist act or acts. In this regard, the present survey considers all operative elements of resolution 1624 (2005) and ends with conclusions and recommendations for its enhanced implementation. The question of human rights is discussed independently towards the end of the survey, but is also raised periodically throughout.

3. It should also be recalled that the effective implementation of resolution 1624 (2005) was cited by the Security Council as an important factor in the effective implementation of its resolution 2178 (2014), in which the Council addresses and seeks to eliminate the threat posed by foreign terrorist fighters. Acts of incitement are often a precipitating factor in decisions taken by individuals to travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training. The Council, in resolution 2178 (2014), requested the Committee, with the support of the Counter-Terrorism Committee Executive Directorate, "to identify principal gaps in Member States' capacities to implement resolutions 1373 (2001) and 1624 (2005) that may hinder States' abilities to stem the flow of foreign terrorist fighters, as well as to identify good practices to stem the flow of foreign terrorist fighters in the implementation of resolutions 1373 (2001) and 1624 (2005)". Thus, the present survey also considers how the effective implementation of resolution 1624 (2005), or its ineffective implementation, might be relevant to stemming the flow of such fighters.

4. The present survey was compiled on the basis of information from a wide range of sources, including the information contained in the reports prepared by the Executive Directorate, following its visits to States on behalf of the Committee to assess the implementation of resolutions 1373 (2001) and 1624 (2005). As at 1 November 2015, the Executive Directorate had conducted a total of 106 visits to more than 90 States (including follow-up visits) on behalf of the Committee. The survey also relies on data gathered by the Executive Directorate in its dialogue with States outside the context of country visits. Reference has been made to reports submitted by States on their implementation of resolution 1624 (2005), although

some are now dated.[1] Other valuable sources included the counter-terrorism legislation database of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and the database of the Committee of Experts on Terrorism of the Council of Europe. The Executive Directorate is also grateful for information submitted by a number of partner organizations, including the Council of Europe, the Anti-Terrorist Centre of the Commonwealth of Independent States, the International Criminal Police Organization (INTERPOL), the Transnational Threats Department/Action against Terrorism Unit of the Organization for Security and Cooperation in Europe (OSCE) and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization.

II. Issues, trends and developments related to the threat of incitement to commit terrorist acts

A. Venues of incitement and counter-incitement

5. Since the publication of the first global survey on the implementation of resolution 1624 (2005), the use of the Internet and other information communications technologies (ICTs) by terrorist groups and their supporters has produced a significant increase in incitement to commit terrorist acts and the glorification of such acts, including by the Islamic State in Iraq and the Levant (ISIL), also known as Daesh; Al-Qaida; Al-Shabaab; and a number of other terrorist groups in the Middle East and elsewhere. Websites, videos and targeted messages aimed at enhancing support for terrorist groups have been uploaded by the thousands through ICTs in recent years. They are freely available for viewing, not just by the curious, but also by individuals contemplating involvement in terrorist activities. Messages of incitement and recruitment are conveyed, not just through the many available public domains (e.g., YouTube, Facebook and Twitter), but also through encrypted channels and the "dark web". This hinders the efforts of law enforcement and intelligence agencies to identify the perpetrators. In a recent report on foreign terrorist fighters, prepared by the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, the Team stated, "although most Member States indicate that direct personal contact remains a core ingredient of most radicalization and recruitment processes for foreign terrorist fighters, the Internet and social media play a crucial role" (S/2015/358, para. 53).

6. Messages aimed at promoting radicalization to violence are also conveyed in "real time" in educational, cultural and religious institutions, in prisons, and in normal community settings. Although all such messages do not rise to the level of criminal incitement under national laws and may be protected by the right to freedom of expression, many play a role in helping to convince susceptible persons to cross the line into terrorist activity. Incitement has thus become a pervasive challenge that requires an urgent and determined response.

[1] As at 1 November 2015, a total of 117 States had reported to the Committee on their implementation of resolution 1624 (2005). The Executive Directorate also maintains a file of supplemental reports submitted by 35 States, in connection with the preparation of the first global implementation survey, in 2011.

7. To tackle the threat, States and other actors, including the media, civil and religious society, the business community and educational institutions, are actively developing new and innovative approaches. These include methods to detect and prevent incitement, as well as strategies to counter the messaging of terrorists and violent extremists. In its resolution 1624 (2005), the Security Council called upon States to take three distinct actions against incitement: to prohibit it, prevent it and counter incitement motivated by extremism and intolerance. There has been significant progress in all three of these areas over the past four years.

8. One of the most prominent developments is the battle for hearts and minds. As part of their response to the mushrooming of terrorist messaging over ICT in recent years, States have devoted significant resources to new approaches to counter-messaging. This includes communications that challenge and refute terrorists' messages, as well as others that promote an alternative vision. These efforts seem to hold promise, although Governments are perhaps not the best messengers in this area. The private sector and civil society may have greater potential, and they, too, have been robustly developing messaging strategies to debunk terrorist messages. One advantage enjoyed by civil society organizations is that they are likely to be trusted by local communities. At a regional conference on countering violent extremism, held in Nairobi from 25 to 28 June 2015 and sponsored by the Government of Kenya for the States of East Africa, one day of the proceedings was devoted to a training session for community-based civil society groups in counter-messaging techniques, run by an international non-governmental organization. At the end of the session, a prize of in-kind support was awarded to the group that developed the most creative ideas for a proposed media campaign. The future of counter-incitement may well lie in the further development of these kinds of initiatives, rather than in a pure law enforcement approach.

B. Criminal justice approach

9. At the same time, however, States are also reinforcing their efforts to apply criminal prohibitions against incitement and punish those found guilty of such conduct. Such measures are the focus of the paragraph 1 of resolution 1624 (2005). In certain cases, they are undoubtedly an appropriate response to the incitement threat. International human rights law provides for restrictions on the right to freedom of expression, provided that States comply with certain strict requirements.[2] The Executive Directorate is aware of a number of instances in which States have initiated criminal proceedings against persons suspected of acts of incitement that have resulted in criminal convictions.[3]

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[2] According to article 19 of the International Covenant on Civil and Political Rights, "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (*ordre public*), or of public health or morals."

[3] See, e.g., "British mother of six jailed for inciting terrorism on social media", Deutsche Welle (DW), 11 December 2014, available from www.dw.com/en/british-mother-of-six-jailed-for-inciting-terrorism-on-social-media/a-18124186; and "In a first for Spain, a woman is convicted for inciting terror over Twitter", *New York Times*, 23 February 2014, available from www.nytimes.com/2014/02/23/world/europe/in-a-first-for-spain-a-woman-is-convicted-of-inciting-terror-over-twitter.html?_r=1.

10. Nonetheless, the law enforcement approach may in some instances prove to be less effective than other actions and even counterproductive. Incarcerating individuals for acts of expression may lead to their becoming martyrs or heroes to a cause. At a regional seminar on the topic "Policy challenges in the prosecution and prevention of terrorism", facilitated by the Executive Directorate for national counter-terrorism prosecutors from East Africa and held in Dar es Salaam from 26 to 28 February 2013, several participants argued that, for the prosecution of preventive offences, context was crucial. The prosecution of offences based on "expression" was not, they argued, always the best option. The key questions were the intent of the actor delivering the message and the objective risk that the views expressed might be transformed into action.

11. Of course, a major concern over State action taken against alleged criminal incitement is that, in some cases, the targeted behaviour may not be incitement at all, but rather another form of expression that a State may find objectionable, such as political dissent or advocacy of controversial beliefs or views that does not, in itself, create a danger of terrorist violence. United Nations human rights mechanisms have been clear that the offence of incitement to commit terrorist acts must apply only to those communications that are actually directed at inciting violence, so as to avoid infringement on the right to freedom of expression. It is now five years since the former United Nations Special Rapporteur on the promotion and protection of human rights while countering terrorism cited the definition found in the Council of Europe Convention on the Prevention of Terrorism as a good practice in criminalizing incitement (or "public provocation") (see A/HRC/16/51, paras. 29-32). Article 5 of the Convention states that "it is an offence to intentionally and unlawfully distribute or otherwise make available a message to the public with the intent to incite the commission of a terrorist offence, where such conduct, whether or not expressly advocating terrorist offences, causes a danger that one or more such offences may be committed". Some States narrow the definition further, requiring that the danger created by the alleged incitement be "imminent". Others lean in the opposite direction, criminalizing not only incitement per se, but also the glorification or *apologie* of terrorist acts, as well as statements that dehumanize the victims of terrorism. They argue that such expression creates a danger of the subsequent commission of terrorist acts.

12. What is clear is that, although the suppression of alleged acts of incitement is appropriate in some cases, it must be approached cautiously, since its misapplication could lead to a result opposite to that intended, feeding a narrative of grievances over unjustified repression and potentially leading to greater radicalization within certain groups or communities. It is undoubtedly for this reason that the Security Council, in adopting resolution 1624 (2005), took the then-unprecedented step of stating, in paragraph 4, that States needed to ensure that "any measures taken to implement paragraphs 1, 2 and 3 of the resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law".

C. Alternative approaches

13. For all these reasons, many States have also heeded the call by the Council in its resolution 1624 (2005) to prevent and to counter incitement within a framework of respect for human rights and the rule of law. They have sought to accomplish this

through comprehensive approaches that include the use of non-repressive measures. As noted above, one such measure is effective counter-messaging. Another is bringing together Governments and non-governmental actors, including local community leaders and civil society, to undermine incitement by addressing the conditions that may be conducive to the spread of terrorism, as outlined in the United Nations Global Counter-Terrorism Strategy (see General Assembly resolution 60/288, annex), and developing strategies to address these conditions in ways that marginalize those who advocate terrorist violence. Such an approach is consistent with the call by the Security Council, in its resolution 2129 (2013), upon the Counter-Terrorism Committee Executive Directorate to work with Member States "to develop, in accordance with their obligations under international law, strategies which include countering incitement of terrorist acts motivated by extremism and intolerance and to facilitate technical assistance for its implementation, as called for in resolution 1624 (2005) and the United Nations Global Counter-Terrorism Strategy".

14. In this connection, since 2010 the Executive Directorate has facilitated a series of regional and national workshops on the implementation of resolution 1624 (2005). These events have focused not only on the criminal prohibition of incitement, but also on preventing and countering it, including through strategic partnerships with the media, civil and religious society, the business community and educational institutions. Working together with the International Centre for Counter-Terrorism at The Hague and, more recently, the Human Security Collective, based in the Netherlands, the Executive Directorate has facilitated regional workshops in Tashkent, for Central Asian States (December 2010, in cooperation with OSCE); Nairobi, for East African States (November 2011); Rabat, for States of the Maghreb and Sahel regions (July 2012); and Algiers, for North African States (June 2013). Two national workshops on resolution 1624 (2005) were held in cooperation with the Government of Kenya, in Nairobi (May 2014) and Mombasa (January 2015), and a third was organized in cooperation with the Government of Tunisia, in Tunis on 3 and 4 November 2015. More workshops are planned for the coming months. The main objective of these events has been to show that, to effectively counter incitement to commit terrorist acts, States should consider a comprehensive approach, combining law enforcement measures with other steps to prevent and counter incitement motivated by extremism and intolerance.

III. Measures to prohibit by law incitement to commit terrorist acts

15. In paragraph 1 (a) of resolution 1624 (2005), the Security Council called upon all States "to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to prohibit by law incitement to commit a terrorist act or acts". As was the case four years ago, States continue to approach this legal challenge in different ways. As at 1 November 2015, at least 76 States worldwide had expressly criminalized incitement to commit a terrorist act or acts in their national legislation, as an autonomous offence. Many of these provisions were adopted subsequent to the adoption of resolution 1624 (2005) and, in most of those cases, they form part of more comprehensive counter-terrorism laws. Many States that do not have laws containing provisions that expressly criminalize incitement to commit terrorist acts have introduced criminal

laws prohibiting incitement to commit any crime, which serves, in the view of those States, to prohibit incitement to commit terrorist acts (where such acts are also criminalized in those States). On the basis of the foregoing, the Executive Directorate has concluded that at least 135 States worldwide have effectively prohibited by law incitement to commit terrorist acts.

16. Nonetheless, the Executive Directorate considers that the capacity to bring persons guilty of incitement to justice would be enhanced if more States expressly criminalized incitement to commit a terrorist act or acts in their national legislation. Moreover, as explained below, the Executive Directorate believes that the right to freedom of expression would be better protected if such provisions expressly required both a subjective element (intent), as well as an objective element (creation of a danger that a terrorist act will be committed). It therefore considers that relevant legislation can be improved in most States even though, globally, the level of implementation of paragraph 1 (a) of resolution 1624 (2005) is high.

17. A number of observations may be made in this regard. The first is that, indeed, the best approach to criminalizing incitement to commit terrorist acts remains the adoption of criminal provisions that include both a subjective element (intent) and an objective element (creation of a danger). In fact, few national provisions on incitement contain both of these elements. A notable exception can be found in some States that have ratified the Council of Europe Convention on the Prevention of Terrorism and incorporated into their national laws its article 5 on "public provocation", as discussed in paragraph 11 above.

18. The second observation is that a small, but significant number of States continue to treat incitement solely as an accessory offence, imposing liability only if the principal offence (in this case, a terrorist act) has been committed, or an attempt has been made to commit it. This makes it more difficult to prosecute persons for incitement at the national level, as well as to cooperate with other States in bringing to justice persons suspected of incitement. A different type of complication arises in States that seek to address incitement, at least in part, through provisions prohibiting the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Even though such provisions address the requirements of article 20 of the International Covenant on Civil and Political Rights, they may not suffice to prosecute incitement to commit acts of terrorism.

19. A third observation concerns the offences of "glorification" or "justification" of terrorism, or *apologie*, which are offences distinct from incitement. Some States cite their prohibition of glorification as one of the measures taken to implement resolution 1624 (2005). The Security Council, in the preamble to the resolution, condemns "in the strongest terms" incitement of terrorist acts, and "repudiates" attempts at the glorification of terrorist acts that may incite further terrorist acts. Glorification is not mentioned in the operative paragraphs of the resolution. This may be because, in the view of some States, the glorification offence fails to meet the strict legal threshold necessary for applying criminal sanctions to speech, since it may be used against speech that, while repugnant, may not create a danger of the commission of terrorist acts. Other States contend that glorification may be properly criminalized, since it creates an environment that is conducive to the commission of terrorist acts. Some States of Western Europe, Eastern Europe and Africa criminalize glorification, in some cases without specifying the requirement of the creation of a danger. In response to the growing threat of incitement, one State

recently increased the penalties it applies to glorification, moving the offence from its press code to the criminal code. There can be no doubt that the glorification of terrorist acts is a repugnant form of expression that should be rejected by all States. However, States must exercise great care to ensure that the penalties applied against alleged glorification are consistent with respect for the right to freedom of expression.

20. The greatest concern over steps taken to prohibit incitement remains the fact that, in some States, the legal provisions applied in this context are couched in vague or overbroad language, creating a serious risk that they could be used in violation of the right to freedom of expression. This is the case in States in which laws relating to incitement or underlying terrorism offences are drafted with vague phrases referring, for example, to alleged threats to State security or national unity, without requiring a link to an act of violence. Such vague provisions disassociate anti-incitement measures from clearly defined terrorist acts and thereby create a danger that they could be misapplied against political expression or other forms of protected speech. In some cases, human rights defenders, journalists and others have been improperly targeted by such measures, with severe repercussions for the protection of human rights.

21. Security Council resolution 1624 (2005) is unequivocal in its emphasis on the need to ensure respect for human rights obligations in applying its provisions. Incitement offences that are defined in general terms, imposing criminal liability for statements described as threatening national security without greater clarity, can easily lead to infringement of the right to freedom of expression. Similar problems may be created by laws concerning "extremism" and "material support". The Executive Directorate is aware of a number of States in which legislation said to satisfy the requirements of resolution 1624 (2005) creates a serious risk of infringement on the right to freedom of expression. In its dialogue with those States, it urges them to review these provisions, ideally in consultation with relevant human rights bodies, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).

22. Lastly, in connection with prohibiting incitement, it should be noted that, in a few States, the applicable penalties for incitement offences are exceedingly harsh, allowing for imprisonment for periods as long as 30 years and, in at least one case, the application of the death penalty. Article 6 of the International Covenant on Civil and Political Rights holds that, for countries that have not abolished the death penalty, "sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime", and such penalty "can only be carried out pursuant to a final judgement rendered by a competent court". In this respect, the Executive Directorate considers that the imposition of the death penalty in cases of incitement to commit acts of terrorism may run afoul of the requirements of international human rights law. It also reminds States of the call by the United Nations for a moratorium on the use of the death penalty, with a view to eventually abolishing it.

IV. Prevention of incitement

23. In paragraph 1 (b) of resolution 1624 (2005), the Security Council calls upon all States to prevent incitement. Criminalization is one effective means of

prevention, provided that relevant international human rights obligations are observed. The existence of clear and accessible provisions prohibiting incitement serves, among other objectives, to deter and prevent acts of incitement. However, prevention requires more than criminalization. In the 10 years since the adoption of resolution 1624 (2005), States have taken several approaches in strengthening action to prevent incitement to commit terrorist acts.

24. One approach is to enhance cooperation between law enforcement agencies and local communities. The Executive Directorate has received information from many States on steps that they are taking to initiate or strengthen community-policing programmes as part of their approach to preventing terrorist incitement. Community policing allows States to gain useful insights into activities taking place in local communities, including with respect to incitement. Most States recognize, however, that community policing will not work if it is used purely for intelligence-gathering. Local communities are, of course, deeply concerned at criminal activity taking place in their midst and are therefore motivated to help to prevent it. To be successful, community policing requires a calibrated approach that takes the concerns of communities into account and promotes trust. The European Union has advocated strongly in favour of community policing. Its Community Policing Preventing Radicalization and Terrorism project identified six elements of effective community policing: (a) attentiveness; (b) reliability; (c) responsiveness; (d) competence; (e) manners; and (f) fairness.[4] OSCE has also highlighted community policing as being effective in countering terrorism and violent extremism and described such policing as follows:

> The key principles of community policing are that the police should: Be *visible* and accessible to the public; *Know*, and be known by, the public; *Engage*, mobilize and partner with communities; *Listen* to communities' concerns; *Respond* to communities' needs; *Respect* and *protect* the rights of all community members; and be *accountable* for their actions and the outcome of those actions.[5]

25. The use of ICTs, however, presents a different challenge. A key element of prevention in this area involves identifying and tracking communications that may be intended to incite acts of terrorism. The Executive Directorate is aware of the efforts of law enforcement agencies in a number of States to monitor communications over ICT with the objective, among others, of detecting and preventing incitement, by identifying relevant communications and gathering information that might assist in identifying their sources. States also follow a range of procedures for removing content, although such a step may not always be the most beneficial for the purposes of law enforcement. In resolution 1624 (2005), the Security Council notes the need for international cooperation in this field, recognizing "the importance that, in an increasingly globalized world, States act cooperatively to prevent terrorists from exploiting sophisticated technology, communications and resources to incite support for criminal acts". A good example of regional action in this area is the Check the Web project of the European Police

[4] European Commission, "Community policing preventing radicalisation and terrorism: manual for trainers", second edition, 2014.

[5] Organization for Security and Cooperation in Europe, *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach* (Vienna, 2014). Available from www.osce.org/atu/111438.

Office (Europol), launched in 2007 under the auspices of the European Union. On 12 March 2015, the Council of the European Union agreed to a Europol proposal to expand the project by creating a European Union Internet Referral Unit, with the following four main goals:

(a) To coordinate and share the identification tasks (flagging) of terrorist and violent extremist online content with relevant partners;

(b) To carry out and support referrals quickly, efficiently and effectively, in close cooperation with the industry;

(c) To support competent authorities, by providing strategic analysis and operational analysis;

(d) To act as a European Centre of Excellence for the above-mentioned tasks.

26. Although resolution 1624 (2005) is directed to Member States, the role of non-governmental actors in prevention should also be recalled. In the preamble to the resolution, the Security Council stresses "the importance of the role of the media, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism". Many social media companies around the world, for example, monitor the content posted on their platforms, in part to ensure that it does not constitute incitement or glorification of terrorist acts. These measures are often based on "terms of service" provisions specifying that the platforms may not abused for criminal or other purposes inconsistent with relevant guidelines. YouTube, for example, has published "Community guidelines" and has reportedly removed some 14 million videos over the past two years. Facebook reportedly receives and reviews 1 million user notifications per week concerning violations of its terms of use (not only for terrorist-related postings) and Twitter is said to have closed at least 2,000 accounts related to ISIL in recent months.

27. All these preventive measures must be implemented in conformity with applicable international human rights obligations. Prevention efforts must not involve arbitrary censorship, nor should they infringe on the right to be free from arbitrary or unlawful interference with privacy. Measures taken by Governments also must not discriminate unlawfully against groups on the basis of race, religion, national origin or other grounds prohibited by international law. In the case of private companies, their conduct should ideally be consistent with the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (see A/HRC/17/31, annex). The Executive Directorate maintains close cooperation with its partners, including OHCHR and relevant working groups of the United Nations Counter-Terrorism Implementation Task Force, to remain current on relevant issues.

V. International cooperation

28. In paragraph 1 (c) of resolution 1624 (2005), the Security Council called upon all States to deny safe haven "to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of [incitement]". In paragraph 2 of the resolution, the Council called upon all

States "to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of the conduct in paragraph 1 (a) from entering their territory".

A. Measures to deny safe haven

29. Denial of safe haven requires the effective application of the *aut dedere aut judicare* ("extradite or prosecute") principle.[6] States continue to face challenges in cooperating to bring persons suspected of incitement to justice, owing in part to the lack of dual criminality arising from the above-mentioned differences in States' approaches to criminalization of the incitement offence. Extradition has also been frustrated, even where dual criminality does exist, owing to the absence of inter-State agreements and lack of reciprocity.

30. It is worth noting, in this context, that in resolution 1624 (2005) the Security Council recalled the right to seek and enjoy asylum reflected in Article 14 of the Universal Declaration of Human Rights and the non-refoulement obligation of States pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[7] To strengthen international cooperation, States should take additional steps to narrow and clarify their definitions of crimes related to incitement, consistent with international law, including international human rights obligations, and ensure that repressive measures do not target speech protected by international law.

31. Denial of safe haven could be enhanced through increased use of international and regional counter-terrorism conventions. In Europe, the legal framework for cooperation was improved through the adoption of the Council of Europe Convention on the Prevention of Terrorism, discussed above. As at 1 December 2015, 34 States had ratified the Convention. The Convention on the Prevention and Combating of Terrorism of the African Union also calls upon States parties to criminalize incitement.

B. Exchange of information

32. Enhanced information exchange is also essential to implementation of resolution 1624 (2005). In its country visits, the Executive Directorate has learned of various bilateral arrangements between States for the exchange of information regarding terrorism offences, including incitement. At the global level, a key avenue for information exchange remains the "notice" system of INTERPOL. In a note sent to the Executive Directorate in July 2015, INTERPOL stated that it receives

[6] See, in particular, para. 3 of Security Council resolution 1456 (2003), in which the Council stated that States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute.

[7] In resolution 1624 (2005), the Council also recalled that the protections afforded by the "Refugee" Convention and its Protocol would not extend, inter alia, to any person with respect to whom there were serious reasons for considering that he had been guilty of acts contrary to the purposes and principles of the United Nations.

diffusions and "red-notice" requests from member countries concerning individuals who are charged with incitement to commit terrorist acts, among other offences. It further stated,

> We have a dedicated 'Quality Assurance and Notices Branch' to review all the red-notice requests and diffusions. In case of possible violation of INTERPOL's Constitution, they will be referred to the Office of Legal Affairs (OLA) for further review to make the final recommendations, i.e., INTERPOL has a two-level robust mechanism in place to ensure the integrity of the notices and diffusions. The ones which have been sent to OLA for legal review have been treated via the prism of INTERPOL's Constitution, in particular article 3, which states that it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character; and article 2(1), which requires the Organization to work 'in the spirit of the Universal Declaration of Human Rights' which provides for the freedom of expression.

33. In this regard, the position of INTERPOL is to consider the offence of incitement to commit terrorist acts as a necessary restriction to the right to freedom of expression as provided for in the International Covenant on Civil and Political Rights (art. 19(3)) and pursuant to Security Council resolution 1624 (2005). Accordingly, in the practice of INTERPOL, the processing of data (notice, diffusion or message) will generally be permitted where the forbidden speech amounts to incitement to commit terrorist acts.

34. Another platform for information exchange is the listing procedure of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, which includes the names of individuals supporting Al-Qaida, who may also be involved in incitement to acts of terrorism. Another resource is the international counter-terrorism database administered by the Meeting of Heads of Special Services, Security Agencies and Law Enforcement Organizations, organized under the auspices of the Russian Federation. Both the Anti-Terrorist Centre of the Commonwealth of Independent States and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization provide Member States with platforms for information-exchange, including on foreign terrorist fighters and organizations deemed to be terrorist or extremist.

C. Security of international borders

35. Member States continue to make progress in strengthening border security to prevent the international movement of persons engaged in acts of terrorism, including through steps to implement relevant provisions of resolution 1373 (2001). The transition to machine-readable travel documents, which is now a requirement reflected in annex 9 to the Convention on International Civil Aviation, was an important development in this regard. Practically all States now have machine-readable travel document systems, and annex 9 set a deadline of 24 November 2015 for removing non-machine readable passports from circulation. Additional resources for border security include the INTERPOL I-24/7 global police communications system, through which the INTERPOL Stolen and Lost Travel Documents database may be accessed.

36. More recently, in its resolution 2178 (2014) on the threat of foreign terrorist fighters, the Security Council reaffirmed that all States "shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents". The Council encouraged Member States "to employ evidence-based traveller risk assessment and screening procedures, including collection and analysis of travel data, without resorting to profiling based on stereotypes founded on grounds of discrimination prohibited by international law". It also called upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011).

37. At a special meeting held in Madrid on 27 and 28 July 2015, the Counter-Terrorism Committee and its Executive Directorate, together with international experts, discussed ways to effectively implement the new border-control provisions of resolution 2178 (2014). The Committee has since adopted a set of guiding principles based on the Madrid discussions, which will help in preventing the cross-border movement of persons believed to be guilty of incitement. The principles contain recommendations in several relevant areas, including the collection of information related to foreign terrorist fighters, its transmission between States, and remedying gaps in the use of advance passenger information systems. The guiding principles also highlight the importance of an integrated approach to border management.

VI. Enhancing dialogue and countering incitement motivated by extremism and intolerance

38. One of the ideas at the heart of resolution 1624 (2005) is that effective action against incitement must be based not only on legal and law enforcement measures, but also on initiatives to promote dialogue and counter the messages of terrorists and violent extremists. In paragraph 3 of the resolution, the Security Council called upon all States "to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures". It further called upon States "to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters".

39. In promoting the full implementation of the resolution, the Counter-Terrorism Committee has recognized that measures to "counter" incitement motivated by extremism and intolerance can take different forms. Since the path to embracing terrorism and violent extremism is highly individualized, a range of approaches is needed to counter efforts to incite terrorist acts and radicalize vulnerable individuals. A considerable number of initiatives are being taken in this field. The Executive Directorate has identified a significant increase, in recent years, in the number of initiatives being taken worldwide to promote dialogue and counter

incitement. This is a positive development in the implementation of resolution 1624 (2005).

40. However, progress in the field of countering incitement is not attributable only to resolution 1624 (2005). The resolution is only one part of a growing trend worldwide to counter terrorist acts — not only through law-enforcement measures — but also through comprehensive approaches that involve social actors not traditionally associated with "counter-terrorism" programmes. The rubric used for this approach is "countering violent extremism".

41. The importance of countering violent extremism to counter-terrorism efforts was recognized by the Security Council in resolution 2178 (2014), in which it underscored that countering violent extremism was an "essential element" of addressing the threat to international peace and security posed by foreign terrorist fighters. In the resolution, the Council encouraged States to engage relevant local communities and non-governmental actors in developing strategies to counter the violent extremist narrative that could incite terrorist acts. It also encouraged them to address the conditions conducive to the spread of violent extremism, which could be conducive to terrorism, including by empowering concerned groups of civil society. These provisions may be rooted, to an extent, in resolution 1624 (2005), in which the Council recognized the role of non-governmental actors in efforts to enhance dialogue and broaden understanding, promote tolerance and coexistence and foster an environment that is not conducive to incitement of terrorism. In this sense, the current emphasis on countering violent extremism is itself an indicator of the effective implementation of resolution 1624 (2005).

42. In the year since the adoption of resolution 2178 (2014), there have been several important initiatives to promote countering violent extremism. On 18 February 2015, in Washington, D.C., the Government of the United States of America held a White House summit on countering violent extremism, with the purpose of highlighting "domestic and international efforts to prevent violent extremists and their supporters from radicalizing, recruiting, or inspiring individuals or groups in the United States and abroad to commit acts of violence". Since then, regional summits on countering violent extremism have been held in a number of Member States, including Albania, Algeria, Australia, Kazakhstan, Kenya, Mauritania and Norway. In October 2015, the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization held a regional conference on cooperation in countering terrorism and extremism for the organization's member States and observers. Countering violent extremism has also been a focus of the Global Counterterrorism Forum, which has a working group on the subject and has produced several relevant documents.[8] Hedayah, the international centre of excellence for countering violent extremism that was launched in Abu Dhabi in December 2012, is an important actor in this area.

43. The United Nations Secretary-General announced a comprehensive multi-stakeholder plan of action to prevent violent extremism at the summit in Washington, D.C. The Secretary-General has indicated that he will present the plan of action on preventing violent extremism to the full membership of the General Assembly in early 2016.

[8] See, e.g., the Ankara memorandum on good practices for a multi-sectoral approach to countering violent extremism, available from www.thegctf.org/documents/10162/72352/13Sep19_Ankara+Memorandum.pdf

44. The implementation of paragraph 3 of resolution 1624 (2005) encompasses actions in a number of different areas, many of which may also be described as countering violent extremism. The following is a non-exhaustive overview of initiatives undertaken by States and international and regional organizations in recent years to enhance dialogue and counter incitement motivated by extremism and intolerance.

A. Enhancing dialogue and broadening understanding

45. Member States and international and regional organizations have continued efforts to enhance dialogue and broaden understanding as a part of countering incitement motivated by extremism and intolerance. On 21 and 22 April 2015, the Secretary-General, in cooperation with the President of the General Assembly and the High Representative of the United Nations Alliance of Civilizations, convened a high-level thematic debate on "Promoting tolerance and reconciliation: fostering peaceful, inclusive societies and countering violent extremism", at United Nations Headquarters. The meeting offered a platform for Member States and faith leaders from around the world to discuss means of promoting tolerance and reconciliation, as well as to address the challenges of countering radicalization and extremism.[9]

46. A high-level meeting on intercultural and interreligious dialogue was held on 22 and 23 July 2015 in Barcelona by the Union for the Mediterranean. Organized at the suggestion of the Minister for Foreign Affairs and Cooperation of Spain, the meeting brought together representatives of institutions for intercultural dialogue and cooperation, interfaith organizations, religious authorities and prominent public figures from many States.[10] The eighth High-level Conference on Intercultural and Interreligious Dialogue of the Asia-Europe Meeting was held in St. Petersburg on 3 and 4 July 2014. This series of meetings has been aimed at strengthening mutual understanding, social cohesion and tolerance amid growing social interdependence and religious and cultural diversity in Asia and Europe.[11]

47. The Executive Directorate has also received information about a number of national initiatives aimed at promoting dialogue and understanding. Examples include the organization of interreligious consultative forums and multicultural youth camps in Indonesia, where different perspectives on religion are discussed, and the work of the Doha International Centre for Interfaith Dialogue, in Qatar. In Singapore, the Ministry of Community Development, Youth and Sports has urged religious organizations to join interracial and religious confidence circles, which are intended as a platform for communication between various ethnic and religious communities.[12] The Executive Directorate has also learned of the establishment of the Inter-Religious Organization of Guyana, comprising representatives of more than 30 different religious organizations based on the traditions of Hinduism, Judaism, Buddhism, Christianity, Islam and the Baha'i faith.

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[9] See www.un.org/pga/hltd-promoting-tolerance-and-reconciliation/.

[10] See www.unaoc.org/2015/07/the-euro-mediterranean-region-needs-intercultural-and-religious-actors-in-the-area-to-take-urgent-and-practical-action-to-confront-regional-challenges/.

[11] See www.aseminfoboard.org/events/asem-high-level-conference-intercultural-and-inter-religious-dialogue.

[12] See www.irec.sg/.

B. Countering incitement through engagement with local communities and civil society

48. In the preamble to resolution 1624 (2005), the Security Council stressed "the importance of the role of the media, civil and religious society, the business community and educational institutions in efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism". As noted in paragraph 14 above, since 2010, the Executive Directorate has facilitated a series of regional and national workshops with the goal of strengthening partnerships between governments and non-governmental actors in countering incitement and violent extremism. Such initiatives will often have the greatest chance for success if they support and build upon existing activities and structures, thus enhancing a sense of local ownership. The Executive Directorate is aware of a number of initiatives taken by Member States in this area, some of them conducted within a framework of countering violent extremism.

49. In Nigeria, for example, the Government developed a national strategy on countering violent extremism, under the leadership of the Office of the National Security Adviser. This strategy was designed to strengthen partnerships between all levels of Government and civil society, academic experts and traditional, religious and community leaders. In the Philippines, the Government has reached out to isolated and conflict-affected communities to engage them more actively in peacebuilding efforts. The Government's main counter-radicalization initiative, the Payapa at Masaganang Pamayanan, aims to build peace and promote socioeconomic development in conflict-affected areas in Mindanao.

50. The Russian Federation has been developing an approach to countering incitement, violent extremism and terrorism that involves not only traditional security actors, but also the ministries of culture, education and science, and entities responsible for regional development. This approach recognizes the need to develop measures together with local communities to address causes and conditions that may be conducive to the spread of terrorism. It emphasizes dialogue and exchange of views among numerous sectors, including the business community, civil society, religious leaders and the media.

51. In 2014, Australia announced a new programme for countering violent extremism that includes a grants project to support the efforts of community-based non-governmental and local government organizations to help individuals to move away from violent extremism. The Living Safe Together initiative seeks to highlight how communities and the Government are building resilient communities. In Canada, the Royal Canadian Mounted Police community-policing approach is a comprehensive effort to engage communities across the country in the protection of Canada's national security. A key component of these efforts is the Cross-Cultural Round Table on Security, which aims to facilitate long-term dialogue and understanding between the Government and local communities to prevent radicalization leading to violence. Several European States, including Finland, Norway and the Netherlands, have adopted action plans that underscore the important role of non-governmental actors in countering incitement and violent extremism.

52. In the United Kingdom, the Prevent programme aims to strengthen engagement with a wide range of sectors, including the education, criminal justice, faith, charities, online and health sectors, to counter the risk of radicalization. The Home Office works with local authorities, a range of government departments, and community organizations to deliver the strategy. In 2011, the United States announced a plan to help in empowering communities and their local partners to prevent violent extremism. The plan committed the Government to sharing more information about the threat of radicalization and helping communities to better understand and protect themselves against violent extremist propaganda, especially online. In December 2011, the Government issued the Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States.

C. Counter-narratives and strategic communication

53. Member States have strengthened efforts to counter the narratives of terrorists and violent extremists, both online and in other relevant settings, often in cooperation with civil society groups, the private sector and other non-governmental actors. The subjects of such counter-narratives vary widely. They include messages rebutting the messaging of terrorist groups, others that offer alternative visions and still others that deconstruct the flawed interpretation of religious scripture offered by terrorists and violent extremists.

54. In its dialogue with Morocco, the Executive Directorate learned that the Government has encouraged its Ministry of Religious Affairs, as well as leading religious authorities, to establish websites to counter and rebut radical ideologies. The Al-Muhammadiya, a public institution created by royal decree, produces an electronic journal that addresses different aspects of religion through articles by some of the country's most eminent scholars. Australia recently announced a counter-messaging campaign aimed at challenging the propaganda that terrorist groups post online. The Government will provide funding to establish a social media monitoring and analysis capability to better understand extremist narratives and develop messages that challenge the claims of terrorists, while sharing the benefits of diversity, inclusion, democracy and social values.

55. Some Member States have provided support to civil society groups, think tanks and others to develop counter-messaging that does not reflect official policy or perspectives. Many non-governmental groups and independent artists, thinkers and innovators worldwide are also developing counter-messaging independently, using a wide array of media, including videos, tweets and blogs.

D. Preventing the subversion of educational, cultural and religious institutions by terrorists and their supporters

56. In paragraph 3 of its resolution 1624 (2005), the Security Council called upon Member States "to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters". A number of States have taken steps to do so. In Algeria, for example, the Government supervises the nomination of religious leaders through a scientific council established for that purpose. Local religious committees monitor places of worship to ensure that messages of

incitement and violent extremism are not conveyed by religious leaders. There are 12 national training schools for religious leaders in Algeria, which advocate moderation in the interpretation of religious scripture.

57. In 2014, Morocco launched the Mohammed VI Institute for the Training of Imams, Murshidines and Murshidates as part of a national strategy to instil values of tolerance and coexistence into the next generations of religious leaders and shield the country against violent extremism. The strategy relies on three pillars: the institutional pillar, which seeks to ensure efficient supervision; healthy religious education; and modern scientific training. Morocco recently signed an accord with Mali to train 500 imams in that country. Since then, several other States of the region have requested similar training programmes.[13]

58. Pakistan has worked to reform the curriculums of its religious schools, in part by introducing non-religious subjects such as mathematics and sciences. Recent changes to the public school curriculum have included efforts to strengthen the teaching of religious tolerance. Some schools have also introduced programmes to rehabilitate young people who have been involved with terrorist groups and to teach them skills to help in building a better future. One such initiative is the Sabaoon programme in the Swat valley. In the Philippines, the Salaam Police Centre is responsible for liaising with minority communities to preemptively address the threats of terrorism and extremist violence. The work includes monitoring weekly Friday sermons and visiting mosques and madrasas in urban centres. The Centre provides training and information on religious beliefs, culture and tradition to police officers, students and the media.

59. In Norway, the 2014 Action Plan against Radicalization and Violent Extremism tasks government ministries with various measures related to countering violent extremism. The Norwegian Directorate for Education and Training is responsible for developing digital teaching resources on radicalization and violent extremism for use in lower secondary schools and in upper secondary education and training. In Turkey, the Diyanet (Turkish Religious Authority) works to ensure that a message of tolerance and dialogue uniformly reaches the masses at Friday sermons in all mosques. The Diyanet supervises all religious activities to ensure that religion is not abused for prohibited purposes.

E. Countering incitement through the voices of victims

60. In the first global survey of the implementation of resolution 1624 (2005), the Executive Directorate highlighted the potential role of the voices of victims in efforts to counter incitement. The survey noted that "few would dispute that the voices of these individuals can convey perhaps the most compelling messages in response to terrorist incitement". A number of States have taken steps to provide a platform to victims of terrorist acts. In Algeria, the National Organization of Victims of Terrorism was established with the primary objective of providing psychological, medical, and other support to members. The organization also seeks to counter radical and violent ideology. Members hold weekly meetings to exchange information and promote tolerance and moderation in interpreting religious teaching. In Indonesia, two victim organizations, the Survivors Foundation and the

[13] See www.un.org/en/sc/ctc/news/2014-10-08_cted_briefing.html.

Association for Victims of Terrorism Bombings in Indonesia, work with the Alliance for a Peaceful Indonesia to encourage victims to share their stories more widely, if they choose. Both organizations have taken part in school and university programmes that have been shown to have an emotional impact on audiences.

61. In France, the French Association of Victims of Terrorism has worked with victims of terrorism to expand its programme entitled, "Terrorism: how about listening to what victims have to say?" The programme strives to create a dialogue between victims and citizens by organizing conferences in schools, local associations and prisons. The main objectives are to make victims more visible to youth and promote a sense of shared citizenship; to involve teachers and pupils in the prevention of radicalization; and to increase the strength of the message by networking with local actors. Spain has established the Commemorative Centre for Victims of Terrorism in the Basque region and is committed to supporting awareness-raising campaigns on the threat of terrorism and its impact upon victims. The General Directorate of Support for Victims of Terrorism works to bring the testimony of victims to schools and colleges, to promote the values of peaceful coexistence and tolerance, and to promote better understanding of terrorism and its impact on victims among students and trainees at teacher-training colleges and universities.

F. Countering incitement through the voices of women and youth

62. There has recently been increased attention to the powerful contribution that women and young people can make toward countering incitement and violent extremism. In its resolution 2178 (2014), the Security Council encouraged Member States to "engage relevant local communities in developing strategies to counter the violent extremist narrative that can incite terrorist acts", including by empowering youth, families, and women.

63. In its presidential statement of 28 October 2014 (S/PRST/2014/21), the Council noted that violent extremism frequently targets women and girls and encouraged Member States to engage with women and women's organizations in developing strategies to counter such extremism. As a follow-up, the Counter-Terrorism Committee organized an open briefing on the topic "The role of women in countering terrorism and violent extremism", held in New York on 9 September 2015. Three women's activists from three regions affected by terrorism and violent extremism — the Middle East, East Africa and West Africa — shared their testimonies and advice for increasing the role of women in these efforts.

64. On 23 April 2015, Jordan convened a high-level thematic debate in the Security Council on the role of youth in countering violent extremism and promoting peace. States agreed that more effort should be devoted to providing youth with the opportunity to participate in national and regional discussions on strategies for countering incitement and violent extremism. On 21 and 22 August 2015, the Global Forum on Youth, Peace and Security was held in Amman, co-organized by the Government of Jordan and several United Nations entities, including the Inter-Agency Network on Youth Development, the Office of the Secretary-General's Envoy on Youth, the United Nations Population Fund, and the United Nations Development Programme, together with Search for Common Ground and the United Network of Young Peacebuilders. The forum brought

together around 500 government officials, policy experts, youth-led organizations and young peacebuilders from more than 100 States. Envisioned as a "turning point towards a new international agenda on youth, peace and security", the forum aimed to build on the ongoing efforts of a multitude of actors to decisively step up global attention to young people's contributions to peace, including in the area of countering violent extremism.[14]

VII. Human rights and resolution 1624 (2005)

65. A distinctive feature of resolution 1624 (2005) among Security Council counter-terrorism resolutions is that it addresses the question of compliance with human rights obligations in an operative paragraph, rather than in the preamble. This signalled the recognition by the Council of the particular relevance of human rights to action against incitement. As an offence based upon acts of expression, rather than violent acts per se, incitement presents an unusual challenge for States, and its prohibition must be handled with care. Different approaches taken by States to criminalizing incitement, some of which raise human rights issues, have led to gaps in international efforts to bring persons accused of incitement to justice. To remedy this situation, States should review the ways in which they criminalize incitement and seek to harmonize those measures with measures in other States, as long as they also comply with international human rights obligations. In particular, States should ensure that incitement offences are defined clearly and narrowly, so as not to include within their scope forms of expression that may be protected by international human rights law.

66. In its resolution 1624 (2005), the Security Council also raises other important human rights issues. As noted above, in the resolution the Council recalls the right to seek and enjoy asylum, as well as the non-refoulement obligation, both of which may be implicated in international proceedings aimed at transferring persons accused of incitement from one State to another. Another relevant concern is respect for the right to freedom of association. The Council notes, in the preamble, the role of civil and religious society in enhancing dialogue and understanding and in fostering an environment which is not conducive to incitement of terrorism. United Nations human rights mechanisms have expressed concern over pressures placed upon civil society, in some States, that threaten the rights to freedom of expression and association. In some cases, the personal security of civil society actors, including human rights defenders, has been placed at risk. States must take account of their obligations in this area in their efforts to counter incitement, with the support of civil society and non-governmental actors.

67. Respect for the rights to freedom of religion and belief is also central to the implementation of resolution 1624 (2005). In paragraph 3 of the resolution, the Security Council calls upon all States "to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters". In taking relevant actions, States should proceed cautiously, since repressive actions targeting matters of faith and conscience could infringe on the exercise of human rights. Other human rights issues relevant to the resolution include the right to fair, equal and transparent treatment in criminal proceedings which ensure the requisite

[14] See www.un.org/youthenvoy/2015/08/amman-youth-declaration-adopted-global-forum-youth-peace-security/.

protections and fair trial guarantees, the right to be free from arbitrary or unlawful interference with privacy, and the right to freedom from discrimination. In its communications with States on the implementation of the resolution, the Executive Directorate draws attention to all these issues, as appropriate, and urges States to discuss them with United Nations human rights mechanisms and other human rights bodies.

VIII. Conclusions and recommendations

68. Ten years after the adoption of resolution 1624 (2005) and four years after the first global survey of its implementation, the threat of incitement to commit acts of terrorism has increased significantly worldwide. This is attributable in part to the increase in the number of messages of incitement and glorification transmitted over ICTs by terrorist groups and their supporters. Incitement also continues to be reported in more traditional venues, including educational and religious institutions, in many States. The increase in incidents of incitement of terrorist acts is a factor in the rise in the phenomenon of foreign terrorist fighters, which is the subject of resolution 2178 (2014). For this reason, effective implementation of resolution 1624 (2005) is directly relevant to the ability of States to stem the flow of such fighters.

69. Even as incitement remains a persistent threat in many States around the world, Member States are also strengthening and diversifying their responses to the threat. The most direct action by States involves the imposition of criminal sanctions against acts of incitement which, if properly applied, consistent with States' human rights obligations, may be appropriate. States are also employing other methods, including preventive measures based upon international cooperation, the promotion of dialogue among civilizations, and other non-repressive approaches to countering incitement motivated by extremism and intolerance. Some of these methods fall within the scope of measures for countering violent extremism that are encouraged by resolution 2178 (2014). In surveying the different actions that States are taking to prohibit, prevent and counter incitement, the Executive Directorate considers that all the measures cited above, implemented within a framework of compliance with human rights obligations, can significantly reduce the threat of terrorist incitement, especially if States work closely together to achieve this goal.

70. To further enhance the implementation of resolution 1624 (2005), the Counter-Terrorism Committee Executive Directorate recommends the following:

(a) **States should continue to pay close attention to the threat of incitement to commit terrorist acts and should adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to prohibit by law such incitement, as called for by the Security Council in resolution 1624 (2005);**

(b) **States should strengthen their programmes aimed at monitoring incidents of incitement to commit terrorist acts and their glorification over the Internet and other communications technologies, while ensuring that relevant measures comply with their human rights obligations, including respect for the right to freedom of expression and the right to be free from arbitrary or unlawful interference with privacy;**

(c) States should carefully review their legal measures prohibiting incitement to commit terrorist acts to ensure that such measures comply with their international legal obligations. In particular, States should consider criminalizing incitement to commit terrorist acts through clear and precise provisions that include both a subjective element (intent) as well as an objective element (causing a danger);

(d) States should further review their legal measures concerning incitement to commit terrorist acts and consider how they compare with those of other States, including with respect to upholding States' international human rights obligations, so as to facilitate international criminal cooperation aimed at bringing persons guilty of incitement to justice;

(e) States should continue their efforts to strengthen the security of their international borders, including by implementing the border-control provisions of Security Council resolution 2178 (2014), which will have a positive impact on the implementation of resolution 1624 (2005);

(f) States should continue to develop initiatives to enhance dialogue, broaden understanding, and counter incitement motivated by extremism and intolerance, including with the support of relevant non-governmental actors, and building upon existing activities and structures, where feasible. Particular emphasis should be given to creating more opportunities for the involvement of victims of terrorist acts, women and youth;

(g) States should strengthen their efforts to counter messages of incitement to commit terrorist acts and their glorification broadcast by terrorists and violent extremists, including by creating and strengthening partnerships with civil society organizations and community leaders and taking steps to support their active involvement, while respecting their autonomy;

(h) States should strengthen efforts to prevent the subversion of educational, cultural and religious institutions. Information-sharing on effective ways to implement this aspect of resolution 1624 (2005) should be enhanced, including with respect to ways to ensure that relevant actions comply with States' international human rights obligations.